

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Criminal Case No. 5:19-cr-00022-MOC-DSC**

UNITED STATES OF AMERICA,

Plaintiffs,

v.

GREG E. LINDBERG, ET AL.,

Defendants.

AFFIDAVIT OF JOHN D. GRAY

I, John D. Gray, after first being duly sworn, depose and say the following:

1. I am over the age of eighteen years old, am under no disability, and have personal knowledge of all matters stated in this Affidavit.

2. I am a Defendant in the above-captioned matter.

3. On or about March 18, 2019, a grand jury in the United States District Court of the Western District of North Carolina returned an indictment charging Greg E. Lindberg ("Lindberg"), John V. Palermo, Jr ("Palermo"), Robert Cannon Hayes ("Hayes"), and myself, John D. Gray ("Defendant Gray") (hereinafter "Defendants") as defendants in violation of 18 U.S.C. § 1349 and 18 U.S.C. §§ 666.

4. Palermo engaged Parker Poe Adams & Bernstein, LLP to provide legal representation in *United States v. Greg E. Lindberg, et al.*, 5:19-CR-22MOC-DSC-3.

5. On or about February 18, 2020, trial began in this matter.

6. On or about March 5, 2020, a jury returned a verdict of not guilty as to Palermo, and guilty as to myself and Greg Lindberg.

7. On or about December 16, 2022, I engaged Parker Poe Adams & Bernstein LLP to represent me in the retrial of this matter.

8. My legal fees in this matter have been indemnified by Global Growth Holdings, Inc., (“Global Growth”) of which my co-defendant Lindberg is the sole shareholder. My legal fees may also be paid by other affiliated companies in which Greg Lindberg is the sole shareholder.

9. In connection with the engagement, I am aware that the United States has expressed certain concerns regarding Parker Poe Adams & Bernstein LLP’s successive representation of a defendant in this matter and the indemnification of my legal fees by Global Growth.

10. I have had an opportunity to consult with independent counsel regarding the potential conflict.

11. I am aware of all potential risks, advantages, and alternatives available to me and have had an opportunity to raise all questions and concerns regarding the potential conflict.

12. I agree not to object on the grounds of Parker Poe Adams & Bernstein, LLP’s prior representation of Palermo during the prior District Court trial of this matter, and Parker Poe Adams & Bernstein, LLP’s successive representation of me during the re-trial of this matter, regardless of indemnification.

13. I consent to waiving this conflict so that I may be represented by Parker Poe Adams & Bernstein, LLP during this retrial.

[SIGNATURE ON THE FOLLOWING PAGE]

Further, the affiant sayeth not.

STATE OF NORTH CAROLINA

COUNTY OF Mecklenburg

Signed and sworn to before me, by John D. Gray this the 24 day of April, 2023.

John D. Gray

GRIFFIN L FOSTER
NOTARY PUBLIC
MECKLENBURG COUNTY, NC

Griffin L Foster

Notary Public

Print Name: Griffin L Foster

My Commission Expires: January 20, 2024

(Official Seal)